

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**MICHELLE MORELLI, individually** \*

**and on behalf of all others similarly** \*

**situated,**

**Plaintiff,** \*

**v.** \* **Case No.: 8:22-cv-00292-GJH**

**JIM KOONS MANAGEMENT** \*

**COMPANY, dba JIM KOONS**

**AUTOMOTIVE COMPANIES,** \*

**Defendant.** \*

**PLAINTIFF’S MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23(e)(2) (“Rule 23”), Plaintiff Michelle Morelli, individually and on behalf of all others similarly situated, hereby move this Court for final approval of the class action Settlement<sup>1</sup> that this Court preliminarily approved on October 26, 2022 (ECF No. 31):

Class Representatives respectfully request this Court:

1. Grant final certification of the Settlement Class for settlement purposes pursuant to Rule 23(a) and (b)(3);
2. Finally appoint Michelle Morelli, Bianca Wenck, and Iris Perez as Class Representatives;

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<sup>1</sup> Unless otherwise indicated, capitalized terms used in this Motion have the same meanings as in the Class Action Settlement Agreement and Release (the “Settlement Agreement”). ECF No. 29-3.

3. Finally appoint David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC and Terence R. Coates of Markovits Stock DeMarco, LLC as Settlement Class Counsel;
4. Approve the requested combined attorneys' fees and costs in the amount of \$265,000 to Settlement Class Counsel;
5. Finally approve the requested Service Awards of \$2,500 to each Class Representative;
6. Find that the Notice met the requirements of Rule 23(c)(2)(B);
7. Find that the terms of the Settlement Agreement are fair, reasonable, and adequate and are approved, adopted, and incorporated by the Court;
8. Direct the Parties, their respective attorneys, and the Claims and Settlement Administrator to consummate the Settlement in accordance with the [Proposed] Final Judgment Approving Class Action Settlement (“[Proposed] Final Judgment”) and terms of the Settlement Agreement; and
9. Resolve all claims as to all Parties and Class Members in this action and issue the [Proposed] Final Judgment; and
10. Dismiss the lawsuit with prejudice and without costs, except as provided in the Settlement Agreement.

This Motion is based on: (1) this Motion; (2) the Supporting Memorandum filed herewith (“Memorandum”); (3) the Declaration of Scott M. Fenwick of Kroll Settlement Administration LLC in Connection with Final Approval of Settlement, attached as **Exhibit 1** to the Memorandum; (4) the Declaration of David K. Lietz in Support of Plaintiff’s Motion for Final Approval of Class Action Settlement, attached as **Exhibit 2** to the Memorandum; (5); the Settlement Agreement and

accompanying Exhibits (ECF 29-3); (6) Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, Supporting Declarations, and Firm Resumes (ECF 29, 29-1, 29-2, and 29-4); (7) Plaintiff's Unopposed Motion for Attorneys' Fees, Costs, Expenses, and Service Awards for Representative Plaintiffs ("Motion for Attorneys' Fees"), Supporting Memorandum, and Supporting Declarations, and accompanying documents (ECF 33, 33-1, and 33-2); (8) all other pleadings and papers on file in this action; and (9) any oral argument that may be heard by this Court at or prior to the Final Approval Hearing currently scheduled for February 24, 2023 at 9:30 a.m.

Defendant Jim Koons Management Company, d/b/a Jim Koons Automotive Companies does not oppose the relief sought in this motion.

WHEREFORE, premises considered, Plaintiff requests that this Court grant this motion, finally approve the Settlement, finally certify the Settlement Class, and grant Plaintiff's Motion for Attorneys' Fees.

DATED: February 10, 2023

Respectfully submitted,

/s/Thomas Pacheco

Thomas Pacheco (# 21639)

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*Attorneys for Plaintiff Michelle Morelli  
and the Settlement Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the foregoing document was filed via the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/ Thomas Pacheco

Thomas Pacheco